Supreme Court, U.S.
FILED

0 1 1 5 9 7 APR 23 2002

OFFICE OF THE CLERK

No.

In The

Supreme Court of the United States

Robert P. Dunn, Petitioner

v.

Mona Lisa Kean

On Petition For A Writ Of Certiorari
To The Court of Appeal, First District, State Of Florida

PETITION FOR A WRIT OF CERTIORARI

Robert P. Dunn, pro se
660 Island Way
Unit # 907
Clearwater, Florida 33767
(727) 441-6025

4/8 PP

QUESTIONS PRESENTED FOR REVIEW

1) When a party files a petition and notices an interested party, and that interested party chooses to make his appearance in the matter by timely filing with the court and serving a proper response to the petitioner, does the failure thereafter of the petitioner to serve notices of pleadings, depositions, and hearings to the interested party violate the rights of the interested party under the Due Process Clause of Amendment XIV of the United States Constitution?

2) Whether decisions of a court, resulting from a petition of a party who fails to serve notices on an interested party who has properly responded to the petition, are binding on the unnoticed interested party?

PARTIES TO THE PROCEEDING

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CITATIONS OF OPINIONS AND ORDERS

The order of the Supreme Court of Florida stating lack of jurisdiction (App. D, *infra*, 3a), is not reported at the time of filing of this petition. The denial for clarification by the District Court of Appeal of Florida, First District (App. C, *infra*, 2a), which will be published in the Southern Reporter, is not reported at the time of filing of this petition. The opinion of the District Court of Appeal of Florida, First District (App. B, *infra*, 2a), which will be published in the Southern Reporter, is not reported at the time of filing of this petition. The opinion of the Second Judicial Circuit for Leon County, Florida, (App. A, *infra*, 1a) which will be published in the Florida Supplement, is not reported at the time of filing of this petition.

STATEMENT OF THE BASIS FOR JURISDICTION

The judgment of the Court of Appeal, First District, State of Florida was filed on January 25, 2002 (App. B, *infra*, 2a). A motion for clarification filed on February 8, 2002, with the Court of Appeal, First District, State of Florida was denied on February 19, 2002 (App. C , *infra*, 2a). A notice to invoke discretionary jurisdiction filed on March 4, 2002, with the Supreme Court of Florida was dismissed on March 11, 2002 (App. D, *infra*, 3a).

The jurisdiction of this Court is invoked under U.S.C. Title 28, Part IV, Chapter 81, Section 1257(a). (*infra*, 2)

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Constitution Of The United States Of America,

Amendment XIV, Section 1: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the

privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The Constitution Of The State Of Florida, Article I, Section 9. Due process.--No person shall be deprived of life, liberty or property without due process of law, or be twice put in jeopardy for the same offense, or be compelled in any criminal matter to be a witness against one self.

U. S. Code, Title 28, Part IV, Chapter 81,Section 1257- State courts; certiorari (a) Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

Florida Statutes, Title XLII, Chapter 731, Section 731.202(2)-- "Beneficiary" means heir at law in an intestate estate and devisee in a testate estate.

Florida Statutes, Title XLII, Chapter 731, Section 731.301 Notice; method and time; proof.--(1) FORMAL NOTICE.-- (a) When formal notice of a petition or other proceeding is required, the petitioner shall serve a copy of the petition to any

interested person or her or his attorney, if the interested person has appeared by attorney or requested that notice be sent to her or his attorney ...(b) If there is no answer served on the petitioner within 20 days from the service of the petition, the petition shall be considered ex parte. If an answer is served, a hearing shall be set and reasonable notice given.

Florida Statutes, Title V, Chapter 25, Section 25.032 Certification of questions of law; rules and regulations.--The Supreme Court of this state is hereby authorized and empowered to collaborate with any and all other courts of last resort, of other states and of the United States, in the preparation and approval of uniform rules of court to make effective this and similar laws.

Florida Probate Rules, Rule 5.041. Service of pleadings and papers. (a) Service; When Required. Unless the court orders otherwise, every petition or motion for an order determining rights of an interested person, and every other pleading or paper filed in the particular proceeding which is the subject matter of such petition or motion, except applications for witness subpoenas, shall be served on interested persons unless these rules, the Florida Probate Code, or the Florida Guardianship Law provides otherwise.

Florida Rules of Civil Procedure, Rule 1.080 Service of pleadings and papers. (a) Service; When Required. Unless the court otherwise orders, every pleading subsequent to the initial pleading and every other paper filed in the action, except applications for witness subpoena, shall be served on each party.

Statement Of The Case

Robert P. Dunn (hereafter referred to as Dunn), a beneficiary of The Estate of Dorothy L. Weaver, was noticed with a petition (App. F, *infra*, 6a) from Mona Lisa Kean (hereafter referred to as Kean) to which he responded pro se with an answer (App. G, *infra*, 8a) which he filed with the court and noticed Kean. In his response, Dunn specifically noted that he did not waiver any of his rights related to Kean's petition: "I do not waiver my rights regarding any other will which may be probated." (App. H, *infra*, 10a) He received no subsequent notices of motions, hearings, depositions, orders, pleadings, or other papers resulting from Kean's petition. Dunn complained in a letter (App. I, *infra*, 11a) to Kean on 3/28/2000, which was also filed with the court, regarding lack of notice and requested all notices to which he was entitled. These have never been provided. Dunn filed and served a motion (App. J, *infra*, 13a) on 4/7/2000 for judgment due to failure to notice. Just prior to the trial pertaining to the probate of the will on 4/19/2000, the judge was reminded that there were outstanding motions (App. L, *infra*, 18a). An unscheduled hearing was then held to hear the motions:

[Dunn's motion was as follows]

***

MR. ROBERT DUNN: Your Honor, I'm Robert Dunn and I'm an interested party. My first motion was a motion for summary judgment against the respondent, Mona Kean, for failure to provide me notice during the entire proceedings except within the last two weeks. She filed her initial petition. I was not noticed for the hearing on that petition.

I was not noticed for any subsequent meeting, hearing

THE COURT: You knew about them, though, didn't you?.

MR. ROBERT DUNN: I knew about them. However, there are side [*sic*, cite] cases--

THE COURT: There's nothing about this case that's been kept secret from anybody. You knew about everything that was going on. Haven't you been talking to the personal representative?

MR. ROBERT DUNN: Not directly concerning the--

THE COURT: Have you been talking to the personal representative about that?

MR. ROBERT DUNN: Yes.

THE COURT: And so you really knew about everything that's been going on for how long?

MR. ROBERT DUNN: No, I didn't know there were as many motions filed as were demonstrated by Ms. Duchemin. I do not believe this absolves her of the responsibility under the law to notice me. And I feel that's a violation of my due process under the U. S. and Florida constitutions.

MS DUCHEMIN: Can I speak to that, your Honor, please?

THE COURT: Yes, ma'am, go ahead.

MS. DUCHEMIN: Mr. Dunn, Robert Dunn, has been at every hearing we have had in this case since day one. Every guardianship hearing, every hearing in this proceeding. He has prepared most of the pleadings in this case for Mr. Carter's signature. To stand up here to this Court and suggest that he has not known what is going on is unbelievable to me, your Honor. Moreover, never

once until recently did I receive any request from him indicating that he wanted a copy of anything. So that's my response.

THE COURT; That's fine.

MR. CARTER: I would just say this your Honor. The idea that he's preparing the pleadings for me is, I don't know where she gets that. That's not–

THE COURT: That's between you and the Florida Bar.

MR. CARTER: That's fine.

THE COURT: I'm not here to judge who prepared the pleadings.

MR. ROBERT DUNN: I again reiterate the fact whether I was present or had knowledge of the meeting does not absolve her of the responsibility to provide me with due notice, as has been demonstrated in the court cites.

THE COURT: It appears to me that you've not been prejudiced in any manner by the failure to do that. Your motion is denied. All right. What else?

MR. ROBERT DUNN: Exception.

THE COURT: No exception is required. Go ahead, please.

***

Included in Dunn's written motion (App. J, *infra*, 13a) filed on 4/7/2000 and handed to the judge was: "Robert P. Dunn requests that the court set aside any judgments, decrees, or orders predicated on the movant's petition noticed to Robert P. Dunn on 3/25/98, due to the movant's failure to give timely notice of consequent proceedings, thereby causing Robert P Dunn to lose certain of his rights. (4, 5, 6)."

***

Raising the Federal Questions–Circuit Court

The federal questions sought to be reviewed were raised in Dunn's motion dated April 7, 2000 (App. J, *infra,* 13a) and presented to the judge of the Circuit Court Of The Second Judicial Circuit In And For Leon County, Florida on April 19, 2000:

[From the motion]

***

3) This action of noncompliance with the rules of the court represents a breach of duty by movant Mona Lisa Kean which infringes upon Robert P. Dunn's rights, notably that of procedural due process. The minimal requirements of notice and hearing guaranteed by the Due Process Clauses of the 5th and 14th Amendments of the U. S. Constitution were withheld from Robert P. Dunn, resulting in deprivations of property interest.

4) Robert P. Dunn requests that the court set aside Any judgments, decrees, or orders predicated on the movant's petition noticed to Robert P. Dunn on 3/25/98, due to the movant's failure to give timely notice of consequent proceedings, thereby causing Robert P. Dunn to lose certain of his rights. (4, 5, &6)

(5) "'An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.' *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314, 94 L. Ed. 865, 70 S. Ct. 652 (1950)..."

***

[From the transcript of the hearing (App. L, *infra,* 18a)]

***

MR. ROBERT DUNN: No, I didn't know there were as many motions filed as were demonstrated by Ms. Duchemin. I do not believe this absolves her of the responsibility under the law to notice me. And I feel that's a violation of my due process under the U.S. and Florida constitutions."

MR. ROBERT DUNN: "I again reiterate the fact whether I was present or had knowledge of the meetings does not absolve her of the responsibility to provide me with due notice, as has been demonstrated in the court cites."

THE COURT: It appears to me that you've not been prejudiced in any manner by the failure to do that. Your motion is denied. All right. What else?

MR. ROBERT DUNN: Exception.

THE COURT: No exception is required."

***

The disposition of the case by the Circuit Court was a denial of the motion. This was an oral pronouncement in court (App. L, *infra,* 18a) and no written order or written decision was given.

Raising of Federal Question–District Court of Appeal, State of Florida

The federal questions sought to be reviewed were brought before the District Court of Appeal, First District, State of Florida in Dunn's appeal brief (App. M, *infra,* 21a) dated February 28, 2001:

***

"The Fifth Amendment to the U. S. Constitution provides that no person shall be deprived of property without due process of law. The Due Process Clause requires that an individual not be deprived of

property without prior notice and an opportunity for a hearing appropriate to the nature of the case. 'An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.' *Quay Dev., Inc. v. Elegante Bldg., Corp.*, 392 So. 2d 901 (Fla. 1981), citing *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 70 S. Ct. 652, 94 L. Ed. 865 (1950). An individual must be 'given an opportunity for a hearing before he is deprived of any significant property interest.' See *Cleveland Board of Education v. Loudermill*, 470 U.S. 532, 105 S. Ct. 1487, 84 L. Ed. 2d 494 (1985). This mandate applies to the state governments through the Fourteenth Amendment, which provides that no state shall deprive any person of property without due process of law. The basic due process guarantee of the Florida Constitution provides that 'no person shall be deprived of life, liberty or property without due process of law" (Art. I, § 9, Fla. Const.). When there is failure to notice, there is loss of opportunity for the litigant to effectively participate, argue, and to place objections on the record. See *Ivory v. State*, 351 So. 2d 26 (Fla. 1977). 'This right to participate includes the right to place objections on the record as well as the right to make full arguments.'"

***

The disposition of the case by the Florida Court of Appeal was a per curiam decision (App. B, *infra*,2a) filed on January 25, 2002., without a written opinion, affirming

the ruling of the lower court.

Raising of Federal Questions–
The Florida Supreme Court

Dunn filed a Notice To Invoke Discretionary Jurisdiction (App. O, *infra*, 26a)with The Supreme Court Of Florida on 3/5/2002. In the notice Dunn stated:

***

"The issue concerns due process, specifically 'no person shall be deprived of life, liberty or property without due process of law.' (Art. I, Section 9, Fla. Const.)."

***

The Court ruled (App. D, *infra*, 3a):

***

"It appearing to the Court that it is without jurisdiction, the Petition for Review is hereby dismissed. See *Jenkins v. State*, 385 So. 2d 1356 (Fla. 1980). No Motion for Rehearing will be entertained by the Court."

***

Reasons For Granting the Petition

The compelling reason for granting this writ of certiorari is that a court of the State of Florida has decided important federal questions in a way that conflicts with relevant decisions of The Supreme Court Of The United States. The holdings of the Florida court contravene this Court's precedents, under which a judgment entered without notice or service violates the Due Process Clause of the Fourteenth Amendment of the U. S. Constitution. Failure to give notice violates "the most rudimentary demands of due process of law." *Armstrong v. Manzo*, 380 U.S. 545, 550 (1965).

The state courts in civil actions must afford to each litigant a "proper opportunity to present his evidence." *Saunders v. Shaw*, 244 U.S. 317, 319 , 639 (1917). *Western & Atl. R. Co. v. Henderson*, 279 U.S. 639 (1929); *Armstrong v. Manzo*, 380 U.S. 545 (1965); *Mullane v. CentralHanover Bank & Tr. Co.*, 339 U.S. 306 (1950). In *Pennoyer v. Neff*, 95 U. S. 714 (1877) the court cited *Kilbourn v. Woodworth*, 5 Johns. (N. Y.) 37 which held:

> "...that to bind a defendant personally, when he was never personally summoned or had notice of the proceeding, would be contrary to the first principles of justice." See also *Fisher v. Lane*, 3 Wils. 297, in 1772.

Had Dunn been given the timely notice which the Constitution requires, could he have been informed of the issues, had time to properly prepare, and had the opportunity to be heard?

At his hearing, the court asked Dunn questions, and then interrupted him in mid-sentence, not allowing him to respond to the questions. Should Dunn have been given the opportunity to fully answer the questions? "A fundamental requirement of due process is 'the opportunity to be heard." *Grannis v. Ordean*, 234 U.S. 385, 394 . "It is an opportunity which must be granted at a meaningful time and in a meaningful manner." *Armstrong v. Manzo*, 380 U. S. 545 (1965).

Kean's attorney did not deny not noticing Dunn. Her only response to the motion was that Dunn had attended hearings in this proceeding. In his motion (App. J, *infra*, 13a) Dunn cited a Florida case, *Hagopian v. Zimmer*, 653 So. 2d 474 (Fla. 3d DCA 1995), in which the party was served with initial pleadings and thereafter received no further notices. The party

appeared at all the subsequent proceedings. The Florida Court of Appeal granted his appeal on the basis of lack of notice citing *Mullane, supra.* See also *Daniel v. Taylor,* 33 Fla 636 (Fla. 1894)(party was aware of proceedings but was not noticed).

It is uncontested that Kean failed to notice Dunn of over 60 filings (App. N, *infra,* 22a) with the court, including numerous depositions of which Dunn received no notice or opportunity to attend. Kean requested specifically in a motion to the court not noticed to Dunn that no one be allowed at The Personal Representative's and Kean's depositions except counsel for The Personal Representative and counsel for Kean. The judge so granted (App. E, *infra,* 4a).

[The Circuit Court's order]

***

"Petitioner's written Motion to Limit Attendance at depositions is denied. In lieu of this motion, the court is granting Petitioner's oral motion to limit attendance at the depositions of the Personal Representative and the Petitioner to the attorneys for the parties, the persons being deposed, and the court reporter. No other persons shall be permitted to attend the depositions."

***

These depositions were key in the court's decision in the subsequent probate trial concerning allegations against Dunn. Did Kean, by not giving Dunn notice, and the Court, by not giving Dunn access to the depositions, created fundamental error by depriving him of his constitutional right to confront and cross-examine the witnesses? See *Coy v. Iowa,* 487 U. S. 1012 (1988)(right to confront witnesses).

In his motion (App. J , *infra*, 13a), Dunn cited: '"An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.' *Mullane v.Central Hanover Bank &Trust Co.*, 339 U.S. 306, 314, 94 L. Ed. 865, 70 S.Ct. 652 (1950), quoted in *Quay Dev., Inc. V. Elegante Bldg. Corp.*, 392 So. 2d. 901, 903 (Fla. 1981)."

Rule 1.310(b)(1) of the Florida Rules of Civil Procedure requires that "[a] party desiring to take the deposition of any person upon oral examination shall give reasonable notice in writing to every other party to the action."This and all pertinent discovery rules are mirror images of their counterparts in the FederalRules ofCivilProcedure

A party has the right to attend and cross-examine all witnesses with information relevant to the litigation. *Spaeth v. Warner Brothers Pictures, Inc.*, 1 F.R.D. 729 (S.D.N.Y. 1941).

Did Kean have a right to exclude Dunn from depositions? Did she have the duty to notice him under the Florida Rules of Civil Procedure? See *Ferrigno v. Yoder* , 495 So. 2d 886 (Fla. 2d DCA 1986), review denied sub nom. *Suncoast Insurers, Inc. v. Ferrigno*, 504 So.2d 768 (Fla. 1987) (trial court abused its discretion when precluding plaintiffs from attending each other's depositions). Also *D'arcy v. Ketchum*, 52 U.S. 165 (1850).

"*In Hollingsworth v. Barbour*, 4 Peters, 466, this court cited 5 Johns. 37, 41; 3 Wils. 297; 9 East, 192; 8 Johns. 86, 90; and affirmed ...'by the general law of the land, no court is authorized to render a judgment or decree against any one, or his estate, until after due notice by

service of process to appear and defend.'"

Was it fundamental error not to provide Dunn notice and an opportunity for informed participation in the proceedings which affected his property rights? Did Kean's lack of notice to Dunn meet the requirements of the Due Process Clause of the Fourteenth Ammendment? Did the lower court fail to proceed according to the essential requirements of the law?

Conclusion

The precepts of "notice" are embedded in the U. S. Constitution and have been reiterated in numerous decisions of the U. S. Courts. It is for this Court to decide the above questions, and for this reason this writ should be granted.

Respectfully submitted.

Robert P. Dunn, pro se
660 Island Way
Unit # 907
Clearwater, FL 33767

Appendix A

The Ruling of the Second Judicial Circuit For Leon County, Florida on the motion at issue in this case was not written by the court. The oral pronouncement from the transcript of the hearing on 4/19/2000 is presented below:

***

IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT IN AND
FOR LEON COUNTY, FLORIDA
CASE NO.; 98-00109-PR
Probate Division
IN RE: The Estate of:
DOROTHY LEE WEAVER
DARRELL DUNN, as Personal Representative
of the Estate of Dorothy Lee Weaver, and
the ESTATE OF DOROTHY LEE WEAVER,
Petitioner,
vs.
MONA LISA KEAN,
ADVERSARY PROCEEDING
MOTION FOR SUMMARY JUDGMENT AGAINST
RESPONDENT MONA LISA KEAN FOR FAILURE TO
PROVIDE NOTICE

Now comes Robert P. Dunn, pro se, a son of Dorothy Lee Weaver, deceased, and a beneficiary of the Estate of DOROTHY LEE WEAVER, as an interested party to petition the Court as follows:

[*The oral pronouncement of the Court*]

***

THE COURT: It appears to me that you've not been prejudiced in any manner by the failure to do that. Your motion is denied. All right. What else?

***

Appendix B

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

ROBERT P. DUNN, an interest party, Appellant,
v.
DARRELL D. DUNN, as Personal Representative of the Estate of Dorothy Lee Weaver and Mona Lisa Kean, Appellee.

NOT FINAL UNTIL TIME EXPIRES TO FILE MOTION FOR REHEARING AND DISPOSITION THEREOF IF FILED

Opinion filed January 25, 2002.
An appeal from Circuit Court for Leon County.
Richard O. Watson, Judge.
Robert P. Dunn, Pro Se, for Appellant
Claire A. Duchemin, of Claire A. Duchemin, P. A., Tallahassee, for Appellee
PER CURIAM.
AFFIRMED.
ALLEN, C. J., MINER AND DAVIS, JJ., CONCUR.

Appendix C

DISTRICT COURT OF APPEAL, FIRST DISTRICT
Tallahassee, Florida 32399-1850
Telephone No. (850) 488-6151
February 19, 2002
CASE NO.: 1D00-3840
L.T. No. : 98-00109-PR
Robert P. Dunn, An Interested Party
Appellant/Petitioner (s)
v.
Darrell D. Dunn As Personal Etc., Et Al.
Appellee/Respondent(s)

BY ORDER OF THE COURT:

Appellant's motion filed February 8, 2002, for clarification is denied.

I HEREBY CERTIFY that the foregoing is (a true copy of) the original court order.

Served:
Robert Dunn
Claire Duchemin
Mike Carter
jm
"s/Jon S. Wheeler"
JON S. WHEELER, CLERK

Seal of the
DISTRICT COURT OF
APPEAL STATE OF FLORIDA
FIRST DISTRICT

Appendix D

Supreme Court of Florida
MONDAY, MARCH 11, 2002
CASE NO.: SC02-512
Lower Tribunal No.: 1DOO-3840

ROBERT P. DUNN, ETC.
Petitioner
vs.
DARRELL D. DUNN, ETC.
Respondent

It appearing to the Court that it is without jurisdiction, the Petition for Review is hereby dismissed. See Jenkins v. State, 385 So. 2d 1356 (Fla. 1980).

No Motion for Rehearing will be entertained by the Court.

A True Copy SEAL OF THE

Test:

"s/Thomas D. Hall"
Thomas D. Hall
Clerk, Supreme Court
dy

SUPREME COURT
OF THE STATE OF
FLORIDA

Served:
HON. JON S. WHEELER, CLERK
ROBERT P. DUNN
CLAIRE A. DUCHEMIN
J. MICHAEL CARTER
HON. BOB INZER, CLERK
THOMAS C. DUNN

Appendix E

IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT IN AND
FOR LEON COUNTY, FLORIDA
CASE NO.: 98-00109-PR Probate Division
IN RE: The Estate of:
DOROTHY LEE WEAVER,
Deceased
MONA LISA KEAN,
Petitioner,
vs. ADVERSARY PROCEEDING
DARRELL DUNN, as Personal Representative
of the Estate of Dorothy Lee Weaver, and
the ESTATE OF DORORHY LEE WEAVER,
Respondents.
ORDER

THIS CAUSE came before this Court on the Petitioner's Motion to Compel and Motion to Limit Attendance at Depositions. Having considered the arguments of counsel and being

otherwise duly advised IT IS ORDERED AND ADJUDGED:
1. Respondents shall produce all remaining items not yet produced pursuant to
Petitioner's First Request for Production of Documents within twenty (20) days of the date of this Order.

Petitioner and Respondents have agreed upon the use of an independent third party, Elwin Thrasher, III, to review and edit those items on the deceased's computer that are subject to the attorney client privilege. Once these items have been edited, the computer shall be made available to Petitioner for inspection.
2. Petitioner's written Motion to Limit Attendance at depositions is denied. In lieu of this motion, the court is granting Petitioner's oral motion to limit attendance at the depositions of the Personal Representative and the Petitioner to the attorneys for the parties, the persons being deposed, and the court reporter. No other persons shall be permitted to attend the depositions.
3. This Court reserves ruling on Petitioner's request for attorneys' fees and cost pursuant to the motion to Compel and Amended Motion to Compel.
DONE AND ORDERED this 11th day of September , 1998, in chambers, at
Tallahassee, Leon County, Florida.
"s/ N. SANDERS SAULS"
CIRCUIT JUDGE
Copies to:
Claire A. Duchemin
Attorney for Petitioner
Mike Carter
Attorney for Respondents

Appendix F

IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT IN AND
FOR LEON COUNTY, FLORIDA
CASE NO.: 98-00109-PR
Probate Division
IN RE: The Estate of
DOROTHY LEE WEAVER
Deceased.
MONA LISA KEAN,
Petitioner,
vs. ADVERSARY
DARRELL DUNN, PROCEEDING
As Personal Representative
of the Estate of Dorothy Lee Weaver, and
the ESTATE OF DOROTHY LEE WEAVER,
Respondents.

PETITION TO REVOKE PROBATE, TO REMOVE PERSONAL REPRESENTATIVE, TO APPOINT NEW PERSONAL REPRESENTATIVE OR ADMINISTRATOR AD LITEM, AND TO ADMIT PRIOR WILL OF THE DECEDENT TO PROBATE

Petitioner, MONA LISA KEAN, sole surviving daughter of decedent, sues Respondents, DARRELL DUNN, as Personal Representative of the Estate of Dorothy Lee Weaver, and the ESTATE OF DOROTHY LEE WEAVER, and alleges:

[portion of allegations in petition cited below]

***

15. Consistent with their threats to Petitioner, In July 1997, Respondent-Dunn and Robert Dunn actively procured the making of a new will by the deceased.

***

55. The names of the beneficiaries of this estate, their last-known addresses and relationships to decedent are:
James Edward Dunn 602 Layton Drive, Olathe, Ks 66061 Son
Darrell Dunn 35 Fair Way, Crawfordville, FL

32327 Son
Robert Dunn 216 Harbor Point Drive,
Crawfordville, FL 32327 Son
Mona Kean 13440 Cleburne Highway, Cresson,
TX 76035 Daughter
Thomas C. Dunn 1224 Val Genes Rd., Edmond,
OK 73003 Son

***

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING, AND THE FACTS ALLEGED ARE TRUE AND CORRECT.
"s/Mona Lisa Kean"

SWORN TO AND SUBSCRIBED TO before me, the undersigned notary, this 24th day of March, 1998, by Mona Lisa Kean, who is personally known to me or who produced Tx. Drivers lisc as identification and who did take an oath.
"s/Erica L. Mumaw"
CERTIFICATE OF SERVICE that a true and correct copy of the foregoing was served via CERTIFIED U. S. MAIL this 25th day of March, 1998, on the above named beneficiaries of the estate, except for Petitioner, and by personal service of process on the estate and its registered agent, as required under the applicable and governing rules.

"s/Claire A. Duchemin"
Claire A. Duchemin, P. A.
Fla. Bar No.: 0301159
3845-1 Killearn Court
Tallahassee, FL 32308
(850) 668-4914
Attorney for Mona Lisa Kean

Appendix G

IN THE CIRCUIT COURT PROBATE DIVISION
FOR LEON COUNTY, File Number 98-00109-PR
FLORIDA
IN RE: The Estate of
DOROTHY LEE WEAVER
Deceased
vs. ADVERSARY PROCEEDING
DARRELL D. DUNN
Respondent

THE RESPONSE OF ROBERT P. DUNN, AN INTERESTED PERSON, TO THE PETITION BY MONA LISA KEAN SEEKING APPOINTMENT AS ADMINISTRATOR AND ADMISSION OF WILLS OF DECEDENT, DOROTHY LEE WEAVER, DATED JANUARY 28, 1994, AND JULY 5, 1994, TO PROBATE AND HIS OBJECTIONS THERETO

COMES NOW ROBERT P. DUNN, an interested person, for the purposes of 1) objecting to the validity of an alleged will of DOROTHY LEE WEAVER dated January 28, 1994, which is offered for admission to probate by MONA LISA KEAN, 2) objecting to the testacy of an alleged will of DOROTHY LEE WEAVER dated January 28, 1994, which is offered for admission

to probate by MONA LISA KEAN, 3) objecting to the appointment of MONA LISA KEAN as personal representative of deceased, DOROTHY LEE WEAVER, in an alleged will dated January 28, 1994, which is offered for admission to probate by MONA LISA KEAN, 4) objecting to the validity of a will of DOROTHY LEE WEAVER dated July 7, 1994, which is offered for admission to probate by MONA LISA KEAN.

"s/Robert P. Dunn"

STATE OF FLORIDA

COUNTY OF WAKULLA

SWORN TO AND SUBSCRIBED TO before me, the undersigned notary, the 4 day of May, 1998, by Robert P. Dunn who produced a Florida driver's license as identification and who did take an oath.

"s/Alice A. Burton"

Notary Public *[seal]*

Notary Public Alice A. Burton
State of Florida Commission #CC 490245
Expires Oct. 3, 1999
Bonded Thru Atlantic
Bonding Co., Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the AFFIDAVIT of Robert P. Dunn dated May 4, 1998, and the RESPONSE OF ROBERT P. DUNN dated May 4, 1998, were mailed by United States certified mail, return receipt requested, to Mona Lisa Wise c/o Claire A. Duchemin, Esq., 3845-1 Killearn Cr., Tallahassee, Florida 32308, and to Claire A. Duchemin, Esq., Attorney for Mona Lisa Kean.

"s/Robert P. Dunn"

cc: Claire A Duchemin
Mona Lisa Kean, c/o Claire A. Duchemim
Clerk of Circuit Court of the Second Judicial Circuit, Leon County, Florida

Appendix H

IN THE CIRCUIT COURT FOR LEON COUNTY, FLORIDA — PROBATE DIVISION
File Number 98-00109-PR

IN RE: The Estate of
DOROTHY LEE WEAVER
Deceased

vs. — ADVERSARY PROCEEDING

DARRELL D. DUNN
Respondents

RESPONSE OF ROBERT P. DUNN

RESPONSE OF ROBERT P. DUNN, AN INTERESTED PERSON, to the petition of MONA LISA KEAN "TO REVOKE PROBATE, TO REMOVE PERSONAL REPRESENTATIVE, TO APPOINT NEW PERSONAL REPRESENTATIVE OR ADMINISTRATOR AD LITEM, AND TO ADMIT PRIOR WILL OF DECEDENT TO PROBATE."

[portions of responses to allegations]

***

15. Deny.

(I did, at the initiation and request of my mother, Dorothy L. Weaver, assist her in preparing a will in July, 1997. She requested that I not reveal the contents of the will at the time. This was not unusual behavior on her part, because for many years she had confidentially entrusted with me information regarding many of her personal matters. I possess many letters

attesting to this (See Exhibit # 10).

***

38. Agree that I, Robert Dunn, voluntarily waived the appointment as primary Personal Representative for the July 7, 1997 will. However, I waived the appointment in preference to Darrell Dunn's appointment as Personal Representative. I object to the appointment of any other person to this role. I do not waiver my rights regarding any other will which may be probated. *[underline in original]*

***

Appendix I

March 28, 2000
Robert P. Dunn
1984 Whispering Way
Tarpon Springs, FL. 34689
Clerk of County Court
Probate Division
Second Judicial Circuit for Leon County
Leon County Courthouse
Tallahassee, Florida 32301
Clerk of The Court:

Please enter the enclosed correspondence into the file of the following case: Case No: 98-00109-PR

Regarding the matter of The Estate of Dorothy Lee Weaver, deceased, Case No.: 98-00109Pr, Probate Division, In The Circuit Court Of The Second Judicial Circuit In And For Leon County, Florida, I, Robert P. Dunn have received only two items of correspondence from Claire A. Duchemin representing Mona Lisa Kean in this case.

(1) On May [*sic*, March] 30, 1998, I received a copy of "Petition To Revoke Probate, to Remove Personal

Representative, To Appoint New Personal Representative Or Administrator Ad Litem, And To Admit Prior Will Of Decedent To Probate." (2) On August 1, 1998, I received "Subpoena Duces Tecum For Deposition" commanding me to appear for my deposition on August 13, 1998.

I responded to the May [*sic*, March] 30, 1998, Petition with my "Response of Robert P. Dunn" In a timely manner and with the proper verification of service, which were entered into the case file. This response included affirmative defenses, admittances and denials of items of the May [*sic*, March] 30, 1998 petition.

I was astonished to hear Ms. Duchemin state at the recent hearing (March 22, 2000) in this case that over a hundred items of petitions, responses, etc. have been filed in this case. Why have I not received notice of these from Mona Lisa Kean, or her attorney Ms. Duchemin? In my searching of the Florida Rules of the Court, I find that Mona Lisa Kean bears the responsibility to notice those individuals who responded to the March 30, 1998, petition filed [*sic, by*] Ms. Duchemin on behalf of Mona Lisa Kean.

To illustrate the confusion which has resulted in the failure of Mona Lisa Kean to fulfil her duties of properly noticing, on 3/15/200 [*sic*] I sent to the Court and to Ms. Claire Duchemin an affidavit regarding the will of Dorothy L. Weaver. I addressed the package to Ms Duchemin's address which was on her last correspondence to me. That address was Claire Duchemin, 3845 Killearn Court, Tallahassee, Florida 32303. The U. S. postal service returned the item as "not deliverable." I called and found that Ms. Duchemin moved quite some time ago. I sent it to

her new address.

I request that I receive all notices which should have been provided me since the beginning of this case and which were not provided me. I need these items within the next two weeks in order to properly prepare for the trial date of 4/19/2000. Thank you. sig/RobertP.Dunn

Verification of Service

I Hereby Verify that a true and correct copy of the foregoing has been furnished to Claire Duchemin, 1350-52 Gadsen Street, Tallahassee, FL. 32303. sig/Robert P. Dunn 1984 Whispering Way Tarpon Springs, FL. 34689

Appendix J

IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT IN AND
FOR LEON COUNTY, FLORIDA
CASE NO.: 98-00109-PR
Probate Division
IN RE: The Estate of:
DOROTHY LEE WEAVER,
Deceased.
DARRELL DUNN, as Personal Representative
of the Estate of Dorothy Lee Weaver, and
the ESTATE OF DOROTHY LEE WEAVER,
Petitioner,
vs. Adversary Proceeding
MONA LISA KEAN,
Respondent.

MOTION FOR SUMMARY JUDGMENT AGAINST RESPONDENT MONA LISA KEAN FOR FAILURE TO PROVIDE NOTICE

Now comes ROBERT P. DUNN, pro se, a son of Dorothy Lee Weaver, deceased, and a beneficiary of the

Estate of DOROTHY LEE WEAVER, as an interested party to petition the Court as follows:

1) Robert P. Dunn responded, in a timely manner, to the "PETITION TO REVOKE PROBATE, TO REMOVE PERSONAL REPRESENTATIVE, TO APPOINT NEW PERSONAL REPRESENTATIVE OR ADMINISTRATOR AD LITEM, AND TO ADMIT PRIOR WILL OF DECEDENT TO PROBATE" which was filed with the court by movant, Mona Lisa Kean, on 3/25/98, and heard by the court on 5/20/98.

2) Robert P. Dunn receive[sic] no subsequent notices from the movant, Mona Lisa Kean, regarding succeeding matters before the court resulting from her petition, other than one subpoena to appear for his own deposition.

3) This action of noncompliance with the rules of the court represents a breach of duty by movant Mona Lisa Kean which infringes upon Robert P. Dunn's rights, notably that of procedural due process. The minimal requirements of notice and hearing guaranteed by the Due Process Clauses of the 5th and 14th Amendments of the U. S. Constitution were withheld from Robert P. Dunn, resulting in deprivation of property interest. (1, 2, & 3)

4) Robert P. Dunn requests that the court set aside any judgments, decrees, or orders predicated on the movant's petition noticed to Robert P. Dunn on 3/25/98, due to the movant's failure to give timely notice of consequent proceedings, thereby causing Robert P. Dunn to lose certain of his rights. (4, 5, & 6)

References:

(1) "The essence of due process is that fair notice and a reasonable opportunity to be heard must be

given to interested parties before judgment is rendered." *Tibbetts v. Olson*, 91 Fla. 824, 108 So. 679 (1926).

(2) "Unless the court orders otherwise, every petition or motion for an order determining rights of an interested person, and every other pleading or paper filed in the particular proceeding which is the subject matter of such petition or motion, except applications for witness subpoenas, shall be served on interested persons..." RULE 5.041. SERVICE OF PLEADINGS AND PAPERS, Florida Probate Rules.

(3) An individual's interest in personal property is protected by article 1, section 9, of the Florida Constitution.

(4) "Rule 1.540 serves as a mechanism to correct inadvertent decisions which are the result of oversight, neglect, or accident, or to correct mistakes made in the ordinary course of litigation." *Pompano Atlantis Condominium Association, Inc. V. Merlino*, 415 So.2d 153 (Fla. 4th DCA 1982).

(5) "An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314, 94 L. Ed. 865, 70 S. Ct. 652 (1950), quoted in *Quay Dev., Inc. v. Elegante Bldg. Corp.*, 392 So.2d 901, 903 (Fla. 1981).

(6) "Generally, a prior judgment, decree or order must be set aside where there is excusable neglect in the form of a litigant's failure to receive notice of a pending hearing or trial." *Gibson v. Buice*, 381 So 2d 349 (Fla. 5th

DCA 1980); see also Taylor v. Bowles, 570 So. 2d 1093 (Fla. 4th DCA 1990).

Respectfully submitted and filed with the Clerk of The Court, In The Circuit Court, Second Judicial Circuit, In and For Leon County, Florida on the 7th day of April, 2000 by Robert P. Dunn, pro se. "s/Robert P. Dunn" Robert P. Dunn 1984 Whispering Way Tarpon Springs, Florida 3468 **VERIFICATION OF SERVICE** I HEREBY VERIFY that a true and correct copy of the foregoing was served via the U. S. Mail, certified mailing with return receipt requested, on the 7th day of April, to the following: Claire A. Duchemin 1350-52 North Gadsen Street Tallahassee, FL. 32303, Mona Lisa Kean 13440 Cleburne Highway Cresson, TX. 76035, Mike Carter P. O. Box 566 Crawfordville, FL 32326, Darrell D. Dunn 35 Fair Way Crawfordville, FL. 32327, Thomas C. Dunn 1224 Val Genes Edmond, OK. 73003, James E. Dunn 602 Layton Drive Olathe, KS. 66061 "s/Robert P. Dunn" Robert P. Dunn

Appendix K

IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT IN AND
FOR LEON COUNTY, FLORIDA

IN RE; The Estate of :	Case No. 98-00109-PR
DOROTHY LEE WEAVER,	Probate Division
Deceased.	ADVERSARY
MONA LISA KEAN,	PROCEEDINGS
Petitioner,	
vs.	

DARRELL DUNN, as Personal Representative of the Estate of Dorothy Lee Weaver, and the ESTATE OF DOROTHY LEE WEAVER, Respondents.

PROCEEDINGS: Hearing in the Above Matter
BEFORE: The Honorable Richard O. Watson
DATE: Wednesday, March 22, 2000
PLACE: Leon County Courthouse
Tallahassee, Florida
TIME: Commenced at 1:54 p. m..
Concluded at 3:13 p. m.
REPORTED BY: Mindy Martin, RPR
Notary Public in and for
The State of Florida at Large
Wilkinson & Associates
Certified Court Reporters
Post Office Box 13461
Tallahassee, Florida 32317
APPEARANCES:
REPRESENTING THE PETITIONER:
CLAIRE A. DUCHEMIN, ESQUIRE
REPRESENTING THE RESPONDENTS;
MIKE CARTER, ESQUIRE
Post Office Box 566
Crawfordville, Florida 32326
ALSO PRESENT:
Darrell Dunn
Robert Dunn
CATHERINE WILKINSON & ASSOCIATES (904) 224-0127

***

MR. CARTER: Okay, your Honor. And just for the record, this is Attorney Mike Carter for the estate, personal representative, Darrell Dunn.

***

MS. DUCHEMIN: We're presently on, by my calculation, if I'm not mistaken, approximately

pleading number 165 in this case.

***

MR. ROBERT DUNN: Your Honor?
THE COURT: Yes, sir.
MR. ROBERT DUNN: I'm Robert Dunn. I'm appearing as an interested person per [*sic*] se and the respondent to her petition, her original petition.
THE COURT: Yes, sir.
MR. ROBERT DUNN: In the way that she has styled the case, any information that I get on it is very confusing. And I attempt to get some information from time to time. I am in contact with my brother because of family. And I asked him about some things. And he said, well, you should be getting all these items from Ms. Duchemin, or the other side, because they're supposed to be noting you. I have never received any note of any copy or anything. And it's very confusing when I do get something, to see respondent, plaintiff. It's very difficult to know who's what when there are two different captions.

***

Appendix L

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT IN AND FOR LEON COUNTY, FLORIDA

IN RE: The Estate of: CASE NO. 98-00109-PR

DOROTHY LEE WEAVER, PROBATE DIVISION

Deceased. ADVERSARY PROCEEDINGS DARRELL DUNN, as Personal Representative of

Dorothy Lee Weaver, and the

ESTATE OF DOROTHY LEE WEAVER,
Petitioners,
vs.
MONA LISA KEAN
Respondent.
PROCEEDINGS: Trial in the Above Matter
BEFORE: The Honorable Richard O. Watson
DATE: Wednesday, April 19, 2000
PLACE: Leon County Courthouse Tallahassee, Florida
TIME: Commenced at 9:30 a.m.
Adjourned at 6:46 p.m.
REPORTED BY: Mindy Martin,RPR
Notary Public in and for
the State of Florida at Large

[prior to the trial in the above case, an unscheduled hearing was held; a portion of this hearing is presented below]

***

MR. CARTER: That's our understanding, your Honor. I would ask the Court this. By my review of the pleadings , we have nine motions pending before The Court. Does the Court want preliminary---

THE COURT: Tell me what they are.

***

[after several other motions, Dunn presented his]

***

MR. ROBERT DUNN: Your Honor, I'm Robert Dunn and I'm an interested party. My first motion was a motion for summary judgment against the respondent, Mona Kean, for failure to provide me notice during the entire proceedings except within the last two weeks. She filed her initial petition. I was not noticed for the hearing on that petition. I was not noticed for any subsequent meeting hearings.

THE COURT: You knew about them, though, didn't you?.

MR. ROBERT DUNN: I knew about them. However, there are side [sic, cite] cases--

THE COURT: There's nothing about this case that's been kept secret from anybody. You knew about everything that was going on. Haven't you been talking to the personal representative?

MR. ROBERT DUNN: Not directly concerning the--

THE COURT: Have you been talking to the personal representative about that?

MR. ROBERT DUNN: Yes.

THE COURT: And so you really knew about everything that's been going on for how long?

MR. ROBERT DUNN: No, I didn't know there were as many motions filed as were demonstrated by Ms. Duchemin. I do not believe this absolves her of the responsibility under the law to notice me. And I feel that's a violation of my due process under the U. S. and Florida constitutions.

MS DUCHEMIN: Can I speak to that, your Honor, please?

THE COURT: Yes, ma'am, go ahead.

MS. DUCHEMIN: Mr. Dunn, Robert Dunn, has been at every hearing we have had in this case since day one. Every guardianship hearing, every hearing in this proceeding. He has prepared most of the pleadings in this case for Mr. Carter's signature. To stand up here to this Court and suggest that he has not known what is going on is unbelievable to me, your Honor. Moreover, never once until recently did I receive any request from him indicating that he wanted a copy of anything.

So that's my response.

THE COURT; That's fine.

MR. CARTER: I would just say this your Honor. The idea that he's preparing the pleadings for me is, I don't know where she gets that. That's not–

THE COURT: That's between you and the Florida Bar.

MR. CARTER: That's fine.

THE COURT: I'm not here to judge who prepared the pleadings.

MR. ROBERT DUNN: I again reiterate the fact whether I was present or had knowledge of the meeting does not absolve her of the responsibility to provide me with due notice, as has been demonstrated in the court cites.

THE COURT: It appears to me that you've not been prejudiced in any manner by the failure to do that. Your motion is denied. All right. What else?

MR. ROBERT DUNN: Exception.

THE COURT: No exception is required. Go ahead, please.

***

Appendix M

DISTRICT COURT OF APPEAL
FIRST DISTRICT
STATE OF FLORIDA
CASE NUMBER 1D00-3840
Lower Case No. 98-001090PR
Robert P. Dunn
An Interested Party,
Appellant/Petitioner(s)
v.
Darrell D. Dunn As,

Personal Etc., Et Al.
Appellee/Respondent(s)
APPEAL FROM SECOND DISTRICT CIRCUIT COURT
IN AND FOR LEON COUNTY, FLORIDA
INITIAL BRIEF
OF ROBERT P. DUNN
INTERESTED PARTY/APPELLANT/PETITIONER
Robert P. Dunn, pro se
1984 Whispering Way
Tarpon Springs, FL. 34689

Appendix N

PARTIAL LIST OF DOCUMENTS FILED IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA
CASE NO: 98-109-PR

3/25/98	PETITION TO REVOKE PROBATE, TO REMOVE PERSONAL REPRESENTATIVE, TO APPOINT NEW PERSONAL REPRESENTATIVE OR ADMINISTRATOR AD LITEM AND TO ADMIT PRIOR WILL OF DECEDENT TO PROBATE

[A PARTIAL LISTING OF THE DOCUMENTS FILED, BUT NOT NOTICED TO DUNN SUBSEQUENT TO DUNN'S RESPONSE TO KEAN'S PETITION, ARE PRESENTED BELOW]

DATE FILED	TITLE
3/25/98	MOTION-EMERGENCY MOTION TO FREEZE ASSETS OF ESTATE
4/17/98	NOTICE OF HEARING
5/4/98	THE RESPONSE OF ROBERT P. DUNN, AN INTERESTED PERSON, TO THE PETITION BY MONA LISA KEAN

	SEEKING APPOINTMENT AS ADMINISTRATOR AND ADMISSION OF WILLS OF DECEDENT, DOROTHY LEE WEAVER, DATED JAN. 28, 1994 AND JULY 5, 1994 TO PROBATE AND HIS OBJECTIONS THERETO
5/20/98	RESPONSE OF ROBERT P. DUNN
6/10/98	OBJECTION TO INVENTORY, MONA LISA KEAN
6/26/98	FORMAL NOTICE ON ALL INTERESTED PERSONS THAT MONA LISA KEAN HAS DECLARED THESE PROCEEDINGS TO BE ADVERSARY PROCEEDINGS
6/30/98	OBJECTIONS TO DISCOVERY REQUESTS AND MOTION FOR PROTECTIVE ORDER
7/7/98	MOTION TO COMPEL AND MOTION TO LI MIT ATTENDANCE AT DEPOSITIONS
7/7/98	NOTICE OF HEARING
7/23/98	SUBPOENA DUCES TECUM FOR DEPOSITION
7/23/98	NOTICE OF TAKING DEPOSITION DUCES TECUM
7/23/98	NOTICE OF TAKING DEPOSITIONS
9/14/98	AMENDED SUBPOENA DUCES TECUM FOR DEPOSITION
9/25/98	SUBPOENA DUCES TECUM WITHOUT DEPOSITION
9/28/98	OBJECTION TO AMENDED INVENTORY
10/21/98	RESPONSE AND OBJECTION TO

	PERSONAL REPRESENTATIVE'S REQUEST FOR POSSESSION OF ESTATE
1/6/99	NOTICE OF HEARING
1/15/99	NOTICE OF TAKING DEPOSITION (DARRELL DUNN)
1/15/99	NOTICE OF TAKING DEPOSITION (WILLIAM H. PERRY, PH. D)
1/15/99	NOTICE OF TAKING DEPOSITION DUCES TECUM (ROBERT H. WRAY, M. D.)
1/15/99	SUBPOENA DUCES TECUM FOR DEPOSITION (ROBERT H. WRAY, M.D.)
1/15/99	NOTICE OF TAKING DEPOSITION DUCES TECUM (JAMES G. BROWN, PH. D.)
1/15/99	NOTICE OF TAKING DEPOSITION DUCES TECUM (SHAUN E. LAURIE, M. D.)
1/15/99	NOTICE OF TAKING DEPOSITION DUCES TECUM (FRANCES FLOYD)
1/15/99	NOTICE OF TAKING DEPOSITION DUCES TECUM (JAMES HEALY, PH.D.)
1/15/99	NOTICE OF TAKING DEPOSITION (ROBERT JAMES THOMAS)
2/3/99	DEPOSITION OF: WILLIAM H. PERRY, PH.D.
2/3/99	DEPOSITION OF: ROBERT H. WRAY, M.D.
2/3/99	DEPOSITION OF: JAMES G. BROWN, PH.D.
2/3/99	DEPOSITION OF: FRANCES FLOYD
2/3/99	DEPOSITION OF: JAMES HEALY, PH.D.
2/3/99	DEPOSITION OF: ROBERT JAMES

	THOMAS
2/3/99	DEPOSITION OF: FRANCES FLOYD
2/12/99	NOTICE OF TAKING DEPOSITION DUCES TECUM (JACK KENNETH GRAY, M.D.)
2/16/99	MOTION TO STRIKE TRANSCRIPTS
2/16/99	AFFIDAVIT OF: MONA LISA KEAN
2/16/99	MOTION TO STRIKE AFFIDAVIT OF J. KENNETH GRAY, M. D.
2/16/99	DEPOSITION OF: DARRELL DUNN
2/24/99	TRANSMITTAL LETTER WITH COPIES OF PLEADINGS TO JUDGE CRUSOE FROM CLAIRE A. DUCHEMIN
2/24/99	ORDER
3/8/99	COPY OF LETTER TO CLAIRE A DUCHEMIN FROM THOMAS C. DUNN
5/20/99	LETTER TO CLAIRE DUCHEMIN FROM THOMAS C. DUNN
6/1/99	LETTER TO JUDGE CRUSOE FROM CLAIRE A DUCHEMIN
7/8/99	PETITIONER'S RESPONSE TO PERSONAL REPRESENTATIVE'S MOTION TO UN-FREEZE THE ASSETS OF THE ESTATE
7/16/99	NOTICE OF HEARING (AUGUST 11TH, 1999 @ 10:00 A.M.)
9/17/99	NOTICE FOR TRIAL
11/30/99	LETTER TO JUDGE CRUSOE FROM THOMAS C. DUNN
2/29/00	ORDER SETTING NON-JURY TRIAL AND PRE-TRIAL CONFERENCE
3/20/00	LETTER FROM THOMAS C. DUNN
3/20/00	AFFIDAVIT OF ROBERT P. DUNN

	REGARDING WILL OF DOROTHY L. WEAVER 3/14/00
4/7/00	MOTION FOR SUMMARY JUDGMENT AGAINST RESPONDENT MONA LISA KEAN FOR FAILURE TO PROVIDE NOTICE
4/7/00	MOTION TO DISMISS PETITION OF MONA LISA KEAN TITLED "PETITION TO REVOKE PROBATE, TO REMOVE PERSONAL REPRESENTATIVE, TO APPOINT NEW PERSONAL REPRESENTATIVE OR ADMINISTRATOR AD LITEM, AND TO ADMIT PRIOR WILL OF DECEDENT TO PROBATE"

[entered below is the first notice given to Robert Dunn since his filed and noticed response to Mona Kean's petition]

4/12/00	REQUEST FOR JUDICIAL NOTICE AND NOTICE OF REQUEST TO OPPOSING PARTIES

Appendix O

IN THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, STATE OF FLORIDA
CASE NO. 1-D00109-PR
Lower Court No.: 98-00109-PR

Robert P. Dunn,
An Interested Party,
Appelant/Petitioner
vs.
Darrell D. Dunn,
as Personal Etc., Et Al.
Appellee/Respondents

NOTICE TO INVOKE DISCRETIONARY JURISDICTION

NOTICE IS GIVEN that Robert P. Dunn, Appellant/Petitioner, invokes the discretionary jurisdiction of the supreme court to review the decision of this court rendered February 19, 2002 (postmarked 2/22/02).

Although none of the choices offered me in Rule 9.900 Forms (d) describes why the decision above is within the supreme court's jurisdiction, I wish to exhaust all avenues of appeal available in the Florida courts. The issue concerns due process, specifically "no person shall be deprived of life, liberty or propterty without due process of law." (Art. I, section 9, Fla. Const.). Even though I properly answered a petition, no further notice was given me nor was a proper hearing allowed me to present my case of lack of notice.

I beseech the court to consider my case.

s/Robert P. Dunn
Robert P. Dunn, pro se
Unit 907
660 Island Way
Clearwater, Florida 34630
(727) 441-6025

Verification of Service:
I verify that a copy hereof has been furnished to:
Claire A. Duchemin
Attorney for the Appellee
1834 Hermitage Blvd., Suit 201
Tallahassee, Florida 32308
Mike Carter
Florida Bar No. 0122628
Attorney for the Personal Representative
P. O. Box 566
Crawfordville, Florida 32326

Thomas C. Dunn
1224 Val Genes Road
Edmond, OK. 73003
by U. S. Mail this 1st day of March, 2002.